

REMARKS

Summary of Office Action

Claims 1-27 are pending in this application. Claims 22-27 were withdrawn from consideration pursuant to a restriction requirement.

The Examiner said applicant's arguments in the February 27, 2007 Reply To Second Office Action have been considered but are moot in view of the following new grounds of rejection based on a different interpretation of previously-cited Cooper U.S. Patent No. 4,568,336 (hereinafter "Cooper").

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cooper.

Claims 10-21 were rejected under 35 U.S.C. § 103(a) as being obvious from Cooper in view of Sarnoff et al. U.S. Patent No. 4,755,169 (hereinafter "Sarnoff").

Summary of Applicant's Reply

Please change the Attorney Docket from "008306-0304853" to 11201-735-999.

A Request For Continued Examination under 37 C.F.R. § 1.114 is submitted concurrently herewith.

Applicant has amended independent claims 1 and 10 to more precisely define the invention. Claim 20 has been amended to correct a typographical error unrelated to patentability.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims 1-9 Under 35 U.S.C. § 102(b)

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cooper.

These rejections are respectfully traversed.

Independent claim 1 has been amended to make clear that the wall of the needle-supporting portion of the cap forms a front surface of the cap and defines front interior and exterior surfaces, as perhaps best seen in applicant's FIG. 4 (*see* wall 50). Claim 1 has also been amended to require the second hub portion to be mounted over the first hub portion, the reinforcing structures of the second hub portion to contact the front exterior surface of the wall, and the wall to be adjoined by the first hub portion on the front interior surface and by the second hub portion on the front exterior surface, again, as clearly seen in applicant's FIG. 4.

Cooper does not meet the requirements of amended claim 1.

As best shown in Cooper's FIG. 5, Cooper's holding assembly 33, comprising spaced securing elements 36 and base 37, which the Examiner equated to applicant's second hub portion, does not contact or adjoin any portion of the front wall surface of cap 27, which the Examiner equated to applicant's cap and wall.

Moreover, Cooper's "second hub portion" (securing elements 36 and base 37) does not mount over Cooper's "first hub portion" (shorter spaced securing elements 38 and outwardly projecting barbs 40, as identified by the Examiner), because elements 36-38 and 40 are all integral parts of holding assembly 33. That is, "spaced securing elements 36 ... [are] integral with the base 37 of the holder" and "shorter spaced securing elements 38 [are] also ...

integral with the base of the holder” (column 3, lines 47-51). Holding assembly 33 is thus mounted over cap 27 as a single integrated unit.

Cooper therefore does not anticipate amended independent claim 1, which should now be allowable.

For at least these reasons, dependent claims 2-9, which depend directly or indirectly from independent claim 1, should now also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicant respectfully requests that the rejections of claims 1-9 under 35 U.S.C. § 102(b) be withdrawn.

Rejections of Claims 10-21 Under 35 U.S.C. § 103(a)

Claims 10-21 were rejected under 35 U.S.C. §103(a) as being obvious from the combination of Cooper and Sarnoff.

These rejections are respectfully traversed.

Sarnoff was cited to show an automatic injector with a housing, cartridge, and actuation assembly. Accordingly, Sarnoff does not make up for the deficiencies of Copper as discussed above with respect to applicant’s claim 1.

Therefore, amended independent claim 10, which also requires (1) the wall of the needle-supporting portion of the cap to form a front surface of the cap, (2) the reinforcing structures of the second hub portion to contact the front exterior surface of the wall, and (3) the wall to be adjoined by the first hub portion on the front interior surface and by the second hub portion on the front exterior surface, is not obvious from the combination of Cooper and Sarnoff and should thus be allowable.

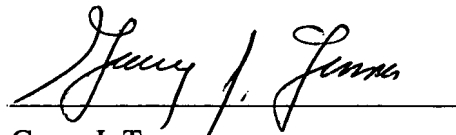
For at least these reasons, dependent claims 11-21, which depend directly or indirectly from independent claim 10, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicant respectfully requests that the rejections of claims 10-21 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-21 are allowable. Therefore, subject to the disposition of withdrawn claims 22-27, this application is in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

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